

CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 06/17/03

AGENDA ITEM 4

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: City Clerk

SUBJECT: An Ordinance Amending Article 17 to Chapter 10 of the Hayward Municipal Code Relating to Inclusionary Housing

RECOMMENDATION:

It is recommended that the City Council adopt the attached Ordinance.

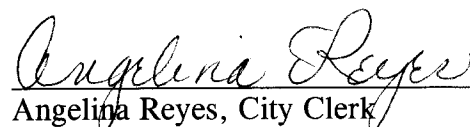
BACKGROUND:

The ordinance was introduced at the June 10, 2003, meeting of the City Council with the following vote:

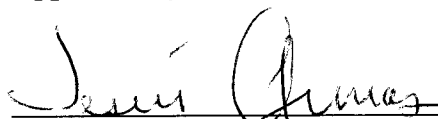
AYES:	Council Members:	Jimenez, Hilson, Rodriquez, Ward, Henson
NOES:	Council Members:	Dowling
	Mayor:	Cooper
ABSENT:	Council Members:	None
ABSTAIN:	Council Members:	None

The ordinance was published in the Hayward Daily Review on June 14, 2003. Adoption at this time is therefore appropriate.

Prepared by:


Angelina Reyes, City Clerk

Approved by:


Jesús Armas, City Manager

Draft Ordinance

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE BY THE CITY
COUNCIL OF THE CITY OF HAYWARD

ORDINANCE ADDING ARTICLE 17 TO CHAPTER 10 OF THE HAYWARD
MUNICIPAL CODE RELATING TO INCLUSIONARY HOUSING

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1: Article 17 of Chapter 10 is hereby added to the Hayward Municipal Code as follows:

ARTICLE 17

INCLUSIONARY HOUSING ORDINANCE

Section 10-17.100	GENERAL PROVISIONS
Section 10-17.105	TITLE
This title shall be known and may be cited and referred to as the "Hayward Inclusionary Housing Ordinance."	
Section 10-17.110	PURPOSE
Section 10-17.120	FINDINGS
Section 10-17.125	DEFINITIONS
Section 10-17.200	RESIDENTIAL DEVELOPMENT
Section 10-17.205	UNIT THRESHOLD FOR AFFORDABLE PROJECTS AND PERCENTAGE OF AFFORDABLE UNITS
Section 10-17.210	AFFORDABILITY LEVELS AND INCOME GROUPS
Section 10-17.215	DESIGN, DISTRIBUTION AND TIMING OF AFFORDABLE UNITS
Section 10-17.220	DURATION OF AFFORDABILITY REQUIREMENT
Section 10-17.300	COMPLIANCE PROCEDURES.
Section 10-17.305	GENERAL
Section 10-17.310	INCLUSIONARY HOUSING PLAN
Section 10-17.315	INCLUSIONARY HOUSING AGREEMENT
Section 10-17.400	EXEMPTIONS
Section 10-17.500	AFFORDABLE UNIT IN-LIEU FEE
Section 10-17.600	DEVELOPMENT INCENTIVES AND ALTERNATIVES
Section 10-17.700	IMPLEMENTING THE REGULATORY AGREEMENT OR DEED RESTRICTION
Section 10-17.705	TERM OF AGREEMENT
Section 10-17.710	RIGHT OF FIRST REFUSAL FOR OWNER-OCCUPIED UNITS
Section 10-17.715	RECORDING OF AGREEMENT
Section 10-17.800	ELIGIBILITY FOR AFFORDABLE UNITS
Section 10-17.805	SELECTION CRITERIA
Section 10-17.810	CONFLICT OF INTEREST
Section 10-17.815	OCCUPANCY
Section 10-17.820	OWNER-OCCUPIED UNITS
Section 10-17.825	RENTAL UNITS
Section 10-17.830	MARKETING PLAN
Section 10-17.835	COMPLIANCE REPORTS
Section 10-17.840	SUBSEQUENT RENTAL TO INCOME-ELIGIBLE TENANT
Section 10-17.845	CHANGES IN TENANT INCOME
Section 10-17.900	ADJUSTMENTS AND WAIVERS

Section 10-17.905	TIMING
Section 10-17.910	CONSIDERATIONS
Section 10-17.915	MODIFICATION OF PLAN
Section 10-17.1000	AFFORDABLE HOUSING TRUST FUND
Section 10-17.1005	TRUST FUND
Section 10-17.1010	PURPOSE, LIMITATIONS AND ADMINISTRATION

Section 3. Severance. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 4. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective January 1, 2004.

Introduced at a regular meeting of the Hayward City Council held June 10, 2003, the above-entitled ordinance was introduced by Council Member Hilson.

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on June 17, at 8:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this ordinance is available for examination by the public in the Office of the City Clerk.

DATED: June 14, 2003

Angelina Reyes
City Clerk of the City of Hayward